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17 | Attorneys for Defendant
Realtek Semiconductor Corporation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

21 | 3COM CORPORATION,

22 Plaintiff,

v.

24 REALTEK SEMICONDUCTOR CORPORATION,

Defendant.

Case No. Cv-03-02177-VRW

**STIPULATION AND [PROPOSED]
ORDER DISMISSING ACTION
WITH PREJUDICE**

1 Plaintiff 3Com Corporation, Inc. ("3Com"), by its counsel Simpson Thacher &
 2 Bartlett LLP, and Defendant Realtek Semiconductor Corporation ("Realtek"), by its counsel
 3 Alston + Bird, LLP, hereby stipulate that they have reached a settlement of the dispute that is the
 4 subject matter of the above-referenced action (the "Action"). Based upon such settlement, on the
 5 consent and approval of 3Com and Realtek, IT IS HEREBY ORDERED that:

6 1. The Action, including, without limitation, all claims asserted by 3Com against
 7 Realtek in the Action and all claims asserted by Realtek against 3Com in the Action, is hereby
 8 dismissed with prejudice pursuant to Rules 41(a)(1)(A) and 41(c) of the Federal Rules of Civil
 9 Procedure.

10 2. The parties have entered into a confidential settlement agreement. The Court
 11 shall retain jurisdiction over the parties for purposes of enforcing this agreement.

12 3. Pursuant to the terms of the settlement agreement, the judgment with respect to
 13 the jury's finding of willful infringement shall be vacated.

14 4. Each party shall bear its own costs and attorneys' fees.

15 AGREED TO AND ACCEPTED:

16 Dated: September 3, 2008

SIMPSON THACHER & BARTLETT LLP

17 By: /s/ Henry B. Gutman
 18 Henry B. Gutman

19 Attorneys for Plaintiff
 3COM CORPORATION

20 Dated: September 3, 2008

ALSTON + BIRD, LLP

21 By: /s/ Yitai Hu
 22 Yitai Hu

23 Attorneys for Defendant
 24 REALTEK SEMICONDUCTOR CORP.

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: September 12, 2008



Vaughn R. Walker
 United States District Judge

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1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
2 penalty of perjury that concurrence in the filing of this document has been obtained from Yitai Hu.

3 Dated: September 3, 2008

4 SIMPSON THACHER & BARTLETT LLP

5 By: /s/ Henry B. Gutman

6 Henry B. Gutman (admitted *pro hac vice*)

7 Attorneys for Plaintiff

8 3COM CORPORATION

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